

FILED  
US DISTRICT COURT  
DISTRICT OF ALASKA

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Attorneys for Defendants,

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

PAUL G. SHEARER	)	
	)	
Plaintiff,	)	No. A03-0263-CV(JKS)
	)	(CONSOLIDATED)
V.	)	
	)	MOTION OF UNITED STATES
UNITED STATES OF AMERICA,	)	FOR LEAVE TO FILE CONSOLIDATED
GALE NORTON, Secretary of the	)	BRIEFS AND TO ESTABLISH THE
Interior, the DEPARTMENT OF	)	TIME FOR FILING THE SAME
THE INTERIOR, the NATIONAL	)	
PARK SERVICE.	)	
	)	
Defendants.	)	

The United States moves the court for an order permitting it to file (1) a single combined reply in support of the Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) and opposition to Plaintiff's Cross Motion for Partial Summary Judgment Re: Section 120 Consent (Docket Entry No. 64), and (2) a single combined reply in support of the Motion of the

United States to Strike Jury Trial Demand (Docket Entry No. 55), and opposition to Plaintiff's Motion for Leave to Accept Late Filed Jury Demand Pursuant to Rule 39(b) Fed. Rules of Civil Procedure (Docket Entry No. 69), and establishing the due date for the filing of both combined documents as January 23, 2006.

In support of the above motion the United States shows:

1. Paul G. Shearer filed and served by mail Plaintiff's Opposition to Motion of the United States for Partial Summary Judgment (Docket Entry No. 65), and Plaintiff's Cross Motion for Partial Summary Judgment Re: Section 120 Consent (Docket Entry No. 64). Therefore, pursuant the D. Ak. LR 7.1(e) and Fed. R. Civ. P. 6, any reply in support of the Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) is due to be filed by December 27, 2005, and an opposition to Plaintiff's Cross Motion for Partial Summary Judgment Re: Section 120 Consent (Docket Entry No. 64) is due to be filed January 3, 2006. As the Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) and Plaintiff's Cross Motion for Partial Summary Judgment Re: Section 120 Consent (Docket Entry No. 64) are interrelated, the filing by the United States of a single combined reply brief and opposition to Shearer's motion is more efficient and practical.

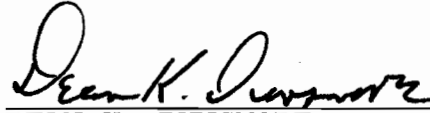
2. Paul G. Shearer served by mail on December 19, 2005, Plaintiff's Motion for Leave to Accept Late Filed Jury Demand Pursuant to Rule 39(b) Fed. Rules of Civil Procedure (Docket Entry No. 68), and Plaintiff's Opposition to United States' Motion to Strike Jury Demand and Memorandum in Support of Cross Motion F.R.C.P. 39(b) (Docket Entry No. 67). Therefore, pursuant

the D. Ak. LR 7.1(e) and Fed. R. Civ. P. 6, any reply in support of the Motion of the United States to Strike Jury Trial Demand (Docket Entry No. 55) is due to be filed December 30, 2005, and an opposition to Plaintiff's Motion for Leave to Accept Late Filed Jury Demand Pursuant to Rule 39(b) Fed. Rules of Civil Procedure (Docket Entry No. 69) is due to be filed by January 6, 2006. As the Motion of the United States to Strike Jury Trial Demand (Docket Entry No. 55) and Plaintiff's Motion for Leave to Accept Late Filed Jury Demand Pursuant to Rule 39(b) Fed. Rules of Civil Procedure (Docket Entry No. 68) are interrelated, the filing by the United States of a single combined reply brief and opposition to Shearer's motion is more efficient and practical.

3. Undersigned counsel for the United States is to be out of the country from December 29, 2005, through January 14, 2006, on previously scheduled and ticketed travel. Given the holiday season with its usual disruptions, undersigned counsel may be unable to prepare and coordinate with necessary personnel the reply briefs and oppositions to Shearer's cross motions within the time periods initially provided by the rules of procedure before his scheduled absence from his office. The additional time to January 23, 2006, is requested in order for undersigned counsel to, if necessary,

complete the necessary coordination and file the proposed combined briefs following his return to Alaska.

Dated this 23<sup>rd</sup> day of December 2005.

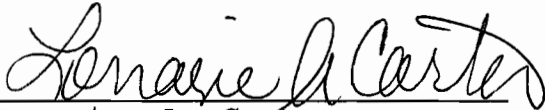


DEAN K. DUNSMORE  
PAUL HARRISON  
Attorneys for Defendants

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 23<sup>rd</sup> day of December 2005, a copy of the foregoing together with a proposed Order were served by placing said copy in a postage prepaid envelope, addressed to that person at the place and address stated below, and by depositing said envelope and contents in the United States mail at Anchorage, Alaska.

Paul G. Shearer  
Kathryn A. McCready  
1532 Meadows Drive  
Lake Oswego, Oregon 97034



Lorraine A. Carter